IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

WP(C).No. 7260 of 2007(L)

PETITIONER:

MADHUSOODHANAN PILLAI, AGED 42 YEARS,
S/O.PARAMESWARAN PILLAI, RESIDING AT
MURIKKANATTIL, MEENTHALAKKARA, THIRUVALLA,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.R.MURALEEDHARAN PILLAI
SRI.P.V.LONACHAN
SRI.P.G.PRASANNAKUMAR

RESPONDENTS:

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1. MUNICIPALITY OF THIRUVALLA,
REPRESENTED BY THE SECRETARY, THIRUVALLA
MUNICIPALITY.

2. ASHA MURALIDHARAN, DEVA SADANAM,
MANJADY P.O., THIRUVALLA, PATHANAMTHITTA
DISTRICT.

R1 BY ADV. SRI.S. SUBHASH CHAND, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 7260 OF 2007

Dated this the 5th day of March, 2007

JUDGMENT

Heard Sri.P.V. Lonachan, counsel for the petitioner and Sri. Subhash Chand, Standing Counsel who has taken notice on behalf of 1st respondent. In the nature of the order which is being passed, it is not necessary for this Court to issue notice to the 2nd respondent.

2. Petitioner challenges Ext.P9 and submits that there is every likelihood of Municipality demolishing the construction put up by him on the strength of Ext.P9 even without hearing him. On a previous occasion, a similar notice was received by the petitioner and the petitioner submitted Ext.P7 objections. It is without considering those objections, Ext.P9 is issued. Counsel also submitted that Ext.P8 complaint has been submitted by the 2nd respondent before the Ombudsman for Local Self Government Institutions and that even before Ext.P8 is decided the Municipality is proceeding with steps for demolition of petitioner's building. Sri.Subhash Chand, Standing Counsel would submit that all the apprehensions of the petitioner are without basis. Ext.P9 is only a provisional order. No demolition is proposed,as per Ext.P9 it is submitted.

3. Having considered the rival submissions made at the Bar, I am

of the view that this Writ Petition will stand disposed of with the following directions:

The Municipality will consider Ext.P7 as objections submitted by the petitioner to Ext.P9. If the petitioner files further objections to Ext.P9, within one week of receiving copy of this judgment, those objections will also be considered along with Ext.P7. Once Ext.P7 and the further objections if any filed by the petitioner are received by the Municipality, the Municipality will issue notice to the 2nd respondent also, hear the petitioner and the 2nd respondent and take a decision on the issue covered by Ext.P9. The order to be passed on the basis of the hearing so conducted will be communicated to the petitioner and implementation of that order will be made only after giving a respite of at least two weeks to the petitioner.

PIUS C. KURIAKOSE, JUDGE

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